

REMARKS

Claims 3-8, 11-21, 24, 26, and 28 are pending in the application.

Claims 3, 11, and 17-21 are withdrawn.

Claims 4-8, 12-16, 24, 26, and 28 have been rejected.

Claims 24, 26, and 28 have been amended. Support for the amendments can be found in at least [0032] and [0036] of the present Specification.

Claims 4 and 12 have been cancelled.

Rejection of Claims under 35 U.S.C. § 103

Claims 4-8, 12-16, 24, 26 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rappoport, U.S. Patent No. 6,828,963 (Rappoport) in view of Arai et al., U.S. Publication No. 2003/0097642 A1 (Arai). While not conceding that the cited references qualify as prior art, but instead to expedite prosecution, Applicants have chosen to respectfully disagree and traverse the rejection as follows. Applicants reserve the right, for example, in a continuing application, to establish the cited references, or other references cited now or hereafter, do not qualify as prior art as to an invention previously, currently, or subsequently claimed.

Applicants respectfully submit that the cited passages of Rappoport and Arai, taken alone or in any permissible combination, do not disclose (or render obvious) the limitations of amended independent Claims 24, 26, and 28. For example, the cited passages of Rappoport and Arai, taken alone or in any permissible combination, fail to disclose (or render obvious) “converting the product management information in the second intermediate form, wherein ... the second intermediate form comprises a hierarchy of data elements,” as recited in amended independent Claims 24, 26, and 28. Page 4 of the present Office Action asserts that col. 5, lines 24-35 of Rappoport discloses the recited element of the independent claims.

Col. 5, lines 24-35 of Rappoport discusses:

An advantage of creating a persistent bridge data structure 402' is that version and extraction/creation information, such as undo logs or rollback logs, can be created to back-out or re-write changes that fail when the CAD data exchange is taking place, or to recreate a particular instance of the CAD design. Rather than creating a single file for each version of the CAD design, a particular instance can be recreated in an incremental manner, thereby saving disk space. Moreover, preservation of the design intent can be easily maintained, as the database or intermediate structure can provide an exchange means for preserving the parametrics, features, histories, etc. of the CAD design.

It appears that by citing col. 5, lines 24-35 of Rappoport, page 4 of the Office Action is attempting to analogize Rappoport's "persistent bridge data structure" to the claimed "hierarchy of data elements." Nothing in the cited passage of (or elsewhere within) Rappoport discloses, teaches, or suggests the recited "hierarchy of data elements" of the independent claims. Rappoport's persistent bridge data structure merely stores extraction/creation information for multiple versions of a CAD design. However, nothing in the cited passage of Rappoport discloses, teaches, or suggests any storage scheme of the persistent bridge data structure or any details of its interior organization. In fact, the only mention of the word "hierarchy" is found in col. 14, lines 45-46 of Rappoport, which discusses window identification based on a "window hierarchy (e.g., the number of child windows, the position of the various windows in the window list)," which simply does not disclose, teach, or suggest the claimed "hierarchy of data elements."

Thus, the cited passages of Rappoport and Arai, taken alone or in any permissible combination, fail to disclose, teach, or suggest the recited element of the independent claims. Thus, independent Claims 24, 26, and 28, and all claims dependent therefrom are patentable over the cited passages of Rappoport and Arai, taken alone or in any permissible combination.

“Nonfunctional descriptive material”

Independent Claim 24 (and similarly, independent Claims 26 and 28) recite various elements for the extraction and conversion of “product management information,” which “comprises information regarding the managing of the product.” In support of the § 103 rejection, the present Office Action states (on page 5): “Rappoport does not specifically disclose that the data being stored and converted in the method is product management information.” The present Office Action asserts that the differences between the data in Rappoport and the claimed “product management information” of the independent claims are “nonfunctional descriptive material and are not functionally involved in the steps recited.” The present Office Action cites *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983) (“Gulack”) and *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994) (“Lowry”) to support the rejection.

However, regardless of whether the claimed “product management information” is considered “nonfunctional descriptive material” (a point which Applicants do not concede), 35 U.S.C. § 103 still requires that “All words in a claim must be considered in judging the patentability of that claim against the prior art.” See MPEP § 2143.03, citing *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). Thus, merely characterizing “product management information” as “nonfunctional descriptive material” (a point which Applicants do not concede) does not mean that the claimed limitation “product management information” does not have to be considered in a § 103 rejection. Thus, by failing to analogize the claimed “product management information” to anything in the cited references (see pages 5 and 7 of the present Office Action) means that a *prima facie* case of obviousness has not been shown. Thus, Applicants respectfully request that the rejections be withdrawn.

Even if all of the claimed features (save the recitation of “product management information”) of the independent claims were disclosed in Rappoport and Arai, taken alone or in any permissible combination, (a point which Applicants do not concede), the cited passages of Rappoport and Arai, taken alone or in any permissible combination would still fail to render the independent claims unpatentable because the claimed “product management information” is not “nonfunctional descriptive material.”

Upon closer reading of Gulack and Lowry, Gulack is cited by Lowry for the proposition that “the critical question is whether there exists any new and unobvious functional relationship between the printed matter and the substrate. *In re Gulack*, 703 F.2d at 1386. The claim at issue in Lowry recited a data structure that recited attribute relationships between different data objects. The court in Lowry distinguished the data structure from “printed matter” stored on a “substrate” by stating that

Lowry’s [attribute data objects (ADOs)] do not represent merely underlying data in a database. ADOs contain both information used by application programs and information regarding their physical interrelationships within the memory. Lowry’s claims dictate how application programs manage information. Thus, Lowry’s claims define functional characteristics of the memory.

Contrary to the PTO’s assertion, Lowry does not claim merely the information content of a memory. Lowry’s data structures, which including data resident in a database, depend only functionally on information content. While the information content affects the exact sequence of bits stored in accordance with Lowry’s data structures, the claims require specific electronic structure elements which impart a physical organization on the information stored in memory. Lowry’s invention manages information.

Thus, Applicants assert that Lowry stands for the proposition that data can be functionally related to recited steps in the claim. For example, referring to independent Claim 24, the “product management information in a first form” is associated with a “first source computerized product management system”; the “product management information in the second

intermediate form comprises a list of product elements for defining a hierarchy of data elements”; the “product management information in the target form corresponds to a target computerized product information system”; and the “product management information in the target form” is used to perform “an update of an existing product management record,” which “resided in the target computerized system prior to converting the product management information into the target form.” As clearly shown, the claimed “product management information” (of various forms) is functionally related to at least the target computerized product management system since the product management information in the target form is used to update an existing product management record stored on the target computerized product management system. Any other “descriptive material,” as asserted by the Final Office Action (such as Rappoport’s “enterprise resource planning data” stored on “CAD systems”), would not (and could not) be utilized by the source and target computerized product management systems (or used to update “an existing product management record”) because the “enterprise resource planning data” or any other data would be wholly incompatible to the claimed source and target computerized product management systems (and the “existing product management record”) since those systems require the claimed “product management information” for operation. One simply cannot ignore the differences between “enterprise resource planning data” and the claimed “product management information” for at least these reasons.

Thus, the cited passages of Rappoport and Arai, taken alone or in any permissible combination, do not disclose (or render obvious) each and every element of the independent claim. Therefore, independent Claims 24, 26, 28, and all claims dependent therefrom are patentable over the cited passages of Rappoport and Arai, taken alone or in any permissible combination.

PATENT

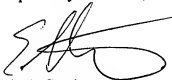
Page 7 of the present Office Action states that Rappoport “does not specifically disclose the hierarchy of specific data elements claimed” (in reference to Claims 4-8 and 12-16). The present Office Action supports the § 103 rejection by stating (on page 7) that “these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited.” Applicants respectfully disagree and apply the arguments applicable to Claim 24, 26, and 28 to Claims 4-8 and 12-16.

CONCLUSION

Applicants submit that all claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is requested to telephone the undersigned.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'E. Stephenson', with a large, sweeping loop at the end.

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